IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS TEXARKANA DIVISION

TOM LEE GOLIGHTLY, JR., #11131-078 §

VS.
§ CIVIL ACTION NO. 5:08cv171

PAUL KASTNER, ET AL. §

ORDER OF DISMISSAL

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Caroline M. Craven, who issued a Report and Recommendation concluding that the complaint should be dismissed. The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and adopts same as the findings and conclusions of the Court. It is accordingly

ORDERED that the Defendants' motions to dismiss under Rule 12(b)(6) (docket entry #19) is **DENIED**. It is further

ORDERED that the Defendants' motion for summary judgment (docket entry #19) is **GRANTED**. It is further

ORDERED that the complaint is **DISMISSED** with prejudice. It is finally

ORDERED that all motions by either party not previously ruled on are hereby **DENIED**.

SIGNED this 14th day of September, 2009.

DAVID FOLSOM

UNITED STATES DISTRICT JUDGE